



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

MKM:TH/MKP  
F. #2017R01840

*271 Cadman Plaza East  
Brooklyn, New York 11201*

October 19, 2018

By ECF

The Honorable Nicholas G. Garaufis  
United States District Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Keith Raniere, et al.  
Criminal Docket No. 18-204 (NGG) (S-1)

Dear Judge Garaufis:

The government respectfully submits this letter to request that the enclosed stipulation and order concerning the production of forensic copies of certain electronic devices be so-ordered by the Court.<sup>1</sup> The proposed stipulation and order has been signed by counsel for defendant Nancy Salzman.

Pursuant to the proposed stipulation and order, the government and counsel for defendant Nancy Salzman also respectfully move for an order pursuant to Federal Rule of Evidence 502(d) ("Rule 502(d)"), permitting the government firewall team (the "Firewall Team") to disclose potentially privileged material to the defendants, without that disclosure resulting in a waiver of any attorney-client privilege or work product protection.

Rule 502(d) provides, in relevant part, that "[a] federal court may order that the [attorney-client] privilege or [work-product] protection is not waived by disclosure connected with the litigation pending before the court – in which event the disclosure is also not a waiver in any other federal or state proceeding." Fed. R. Evid. 502(d). The proposed order provides that the government will produce potentially privileged documents without any party or non-party waiving any attorney-client privilege, work product protections or other privilege. Courts in this District and others have entered similar orders. See, e.g.,

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<sup>1</sup> The production of forensic copies of these devices is the subject of a motion pending before this Court, see ECF Docket Entry No. 158.

United States v. Mark Nordlicht, et al., No. 16 CR 640 (BMC), (Dkt. No. 243) (E.D.N.Y. 2017); In re American Express Anti-Steering Rules Antitrust Litig., No. 13 CV 7355 (NGG), 2015 WL 4645240, at \*7 (E.D.N.Y. Aug 4, 2015); U.S. Bank Nat'l Ass'n v. PHL Variable Co., 12 CV 6811 (CM), 2012 WL 5395249, at \*4 (S.D.N.Y. Nov. 5, 2012); United States v. Usplabs, LLC, et al., 15 CR 496 (SAL) (Dkt. No. 131) (N.D. Tex. Aug. 4, 2016).

The proposed order also provides procedures for the parties to resolve, or, if necessary, present to the Court, disputes regarding individual documents, and provides for ongoing review by the Firewall Team, which will identify to the defense potentially privileged materials that it seeks to make available to the government's trial team.

Based on the foregoing, the government and counsel for defendant Nancy Salzman jointly request that the Court enter the proposed order.

Respectfully submitted,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/  
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cc: Clerk of Court (NGG) (by ECF)  
Counsel of Record (by ECF)